



Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

GENERAL COUNSEL

September 20, 2011

In reply refer to: LP-7

Clerk of the Board, Air Resources Board
1001 I Street
Sacramento, California 95814
(Submitted electronically via CARB's online comment form)

**RE: (1) 15-day Comment Period on Proposed Amendments to the Regulation for the
Mandatory reporting of Greenhouse Gas Emissions
and;
(2) 15-day Comment Period on Proposed Cap on Greenhouse Gas Emissions and
Market-Based Compliance Mechanisms Regulation**

Bonneville Power Administration (BPA) previously submitted written comments on these matters on December 15, 2010 and August 1, 2011. ARB has not acknowledged or responded to BPA's comments. Western Area Power Administration (WAPA) submitted similar comments, which ARB has also failed to address. BPA will not repeat its earlier comments, but hereby incorporates them by reference. BPA again requests that ARB act on its comments, as set forth in its August 1, 2011 filing.

As BPA has previously discussed with ARB staff, it is BPA's intent to voluntarily report on GHG emissions. BPA strongly disagrees with ARB's suggestions in its greenhouse gas reporting rules and cap & trade rules that it has "authority" to regulate BPA and that BPA is "required" to comply. BPA wishes to make clear that BPA is participating in California's GHG reporting program and cap & trade program purely on a voluntary basis, and BPA is not conceding that California has any jurisdiction over BPA. BPA files this letter to preserve that position.

Sincerely,

/s/ J. Courtney Olive

J. Courtney Olive
Special Assistant United States Attorney
Bonneville Power Administration

cc: Koji Kawamura, WAPA Office of General Counsel (via email)